

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ANTHONY MONEYHAM,</b>	:	<b>No. 3:15cv436</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Munley)</b>
<b>v.</b>	:	
	:	<b>:(Magistrate Judge Saporito)</b>
<b>L. POTTER, EMT; M. BARTH, EMT;</b>	:	
<b>and OFFICER MESSENMAN,</b>	:	
<b>Defendants</b>	:	

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**ORDER**

**AND NOW**, to wit, this 27th day of June 2016, it is **HEREBY**

**ORDERED** as follows:

1. Plaintiff's objection to the Report and Recommendation regarding dismissal of his complaint (Doc. 33) is **OVERRULED**;
2. The Report and Recommendation of Magistrate Judge Saporito pertaining the dismissal of plaintiff's original complaint is **ADOPTED**;
3. Plaintiff's complaint (Doc. 1) is **DISMISSED** without prejudice;
4. The defendants' motion to dismiss (Doc. 18) is **DENIED** as moot;
5. Plaintiff's objection to the Report and Recommendation regarding filing an amended complaint (Doc. 33) is **SUSTAINED**;
6. The Report and Recommendation of Magistrate Judge Saporito pertaining to the denial of plaintiff's request to file an amended complaint is **NOT ADOPTED**; and

7. Plaintiff is directed to file an amended complaint, within twenty-one (21) days from the date of this order asserting the following claim: a Bivens claim arising from an alleged assault on February 21, 2015 in retaliation for plaintiff's hunger strike on February 20, 2015. Plaintiff **may not** assert any additional claims. Plaintiff must file a new action if he chooses to assert additional claims.

**BY THE COURT:**

s/ James M. Munley  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**